

Presentment Date and Time: December 15, 2014 at 12:00 p.m. (ET)

Objection Deadline: December 12, 2014 at 4:00 p.m. (ET)

Hearing Date and Time (Only if Objection Filed): January 21, 2015 at 3:30 p.m. (ET)

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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re:

SUFFOLK REGIONAL OFF-TRACK
BETTING CORPORATION,

Debtor.

Chapter 9

Case No. 12-43503-CEC

**NOTICE OF PRESENTMENT OF STIPULATION, AGREEMENT, AND ORDER
BETWEEN SUFFOLK REGIONAL OFF-TRACK BETTING CORPORATION
AND MARIANTONIA BIONDO, AS ADMINISTRATOR OF THE ESTATE OF NICOLO
BIONDO, REGARDING RELIEF FROM THE AUTOMATIC STAY**

PLEASE TAKE NOTICE that, pursuant to Section 362 of the Bankruptcy Code, Rules 4001 and 9014 of the Federal Rules of Bankruptcy Procedure and Rule 2002-1 of the Local Bankruptcy Rules of the Eastern District of New York, Suffolk Regional Off-Track Betting Corporation (“Suffolk OTB”) will present the attached proposed Stipulation, Agreement,

and Order Between Suffolk Regional Off-Track Betting Corporation and Mariantonia Biondo, as Administrator of the Estate of Nicolo Biondo (“Biondo”), Regarding Relief from the Automatic Stay (“Stipulation, Agreement, and Order”) to the Honorable Carla E. Craig, Chief United States Bankruptcy Judge, for signature on **December 15, 2014 at 12:00 p.m. (ET)**.

PLEASE TAKE FURTHER NOTICE that the Stipulation, Agreement and Order may be viewed on the Bankruptcy Court’s website (www.nyeb.uscourts.gov) with a login and password to the Court’s Public Access to Court Electronic Records and copies can be obtained from counsel for Suffolk OTB.

PLEASE TAKE FURTHER NOTICE that unless a written objection to the Stipulation, Agreement, and Order with proof of service, is served and filed with the Clerk of the Court and a courtesy copy is delivered to the Chambers of the Honorable Carla E. Craig, counsel for Suffolk OTB and counsel for Biondo so as to be received by **December 12, 2014 at 4:00 p.m. (ET)** (the “Objection Deadline”), there will not be a hearing, and the Stipulation, Agreement, and Order may be signed.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief sought in the Stipulation, Agreement, and Order must be in writing, conform to the requirements of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the Local Bankruptcy Rules for the Eastern District of New York, and be filed (a) (i) through the Bankruptcy Court’s electronic filing system (in accordance with General Order No. 559) which may be accessed through the Internet at the Bankruptcy Court’s website at: www.nyeb.uscourts.gov, and (ii) in portable document format (PDF) using Adobe Exchange software for conversion; or (b) if a party is unable to file electronically, such party shall submit the objection to the Court and service parties in PDF format on a diskette in an envelope with the case name, case number, type

and title of document, document number of the document to which the objection refers, and the file name on the outside of the envelope; or (c) if a party is unable to file electronically or use PDF format, such party shall submit the objection on diskette in either Word, WordPerfect, or DOS text (ASCII) format. An objection filed by a party with no legal representation shall comply with section (b) or (c) as set forth in this paragraph. A paper copy of an objection, whether filed under section (a), (b) or (c) as set forth in this paragraph, must be delivered directly to the Chambers of the Honorable Carla E. Craig at the United States Bankruptcy Court for the Eastern District of New York, Conrad B. Duberstein United States Bankruptcy Courthouse, 271 Cadman Plaza East – Suite 1595, Brooklyn, New York 11201-1800, so as to be received no later than the Objection Deadline. The objection shall be served upon (i) counsel for Suffolk OTB, McKenna Long & Aldridge LLP, 230 Park Avenue, New York, New York 10169, Attn: Christopher F. Graham, Esq.; and (ii) counsel for Biondo, Kaston & Aberle, LLP, 259 Mineola Blvd., Mineola, New York 11501, Attn: David E. Kaston, Esq., so as to be received no later than the Objection Deadline.

PLEASE TAKE FURTHER NOTICE that if a written objection is timely served and filed, a hearing (the “Hearing”) will be held to consider the Stipulation, Agreement, and Order on **January 21, 2015 at 3:30 p.m. (ET)** before the Honorable Carla E. Craig, Chief United States Bankruptcy Judge, at the United States Bankruptcy Court for the Eastern District of New York, Conrad B. Duberstein United States Bankruptcy Courthouse, Courtroom 3529, 271 Cadman Plaza East, Brooklyn, New York 11201-1800.

PLEASE TAKE FURTHER NOTICE that objecting parties are required to attend the Hearing, and failure to appear may result in relief being granted or denied upon default.

Dated: New York, New York
November 20, 2014

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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re:

**SUFFOLK REGIONAL OFF-TRACK
BETTING CORPORATION,**

Debtor.

Chapter 9

Case No. 12-43503-CEC

**STIPULATION, AGREEMENT, AND ORDER BETWEEN SUFFOLK REGIONAL
OFF-TRACK BETTING CORPORATION AND MARIANTONIA BIONDO, AS
ADMINISTRATOR OF THE ESTATE OF NICOLO BIONDO, REGARDING
RELIEF FROM THE AUTOMATIC STAY**

TO THE HONORABLE CARLA E. CRAIG
CHIEF UNITED STATES BANKRUPTCY JUDGE:

Adjusted Debtor Suffolk Regional Off-Track Betting Corporation (“Suffolk OTB”) and Mariantonia Biondo, as Administrator of the Estate of Nicolo Biondo (“Biondo”, together with Suffolk OTB, the “Parties”), by and through their respective counsel, hereby submit this Stipulation, Agreement, and Order Between Suffolk Regional Off-Track Betting Corporation and Mariantonia Biondo, as Administrator of the Estate of Nicolo Biondo Regarding

Relief from the Automatic Stay (this “Stipulation, Agreement, and Order”) and stipulate as follows:

A. On May 11, 2012 (the “Petition Date”), Suffolk OTB filed its voluntary petition for relief under chapter 9 of the Bankruptcy Code, commencing the above-captioned case (this “Chapter 9 Case”).

B. Suffolk OTB operates an off-track pari-mutuel wagering system on thoroughbred and harness horse races held at race tracks located both in and outside of the State of New York (the “State”). Suffolk OTB owns and operates several off-track betting facilities (the “OTB Facilities”) in the State of New York.

C. Nicolo Biondo alleges he sustained serious personal injuries on or about August 2, 2008 as a result of an incident that occurred at the OTB Facility operated by Suffolk OTB located at 1375 Sunrise Highway, Bay Shore, New York (the “Incident”). Prior to the Petition Date, Biondo brought a claim against Suffolk OTB for damages arising from the Incident.

D. Suffolk OTB has a liability policy with The Phoenix Insurance Company/Travelers Insurance Company under policy number PN630-6080B292 (the “Policy”), which Policy was or may have been in effect during the period in which the Incident occurred.

E. On September 11, 2014, Suffolk OTB filed its Second Amended Plan for the Adjustment of Debts of Suffolk Regional Off-Track Betting Corporation (as amended and appearing at Docket No. 318-1, the “Plan”).

F. On October 30, 2014, the Court entered its Findings of Fact, Conclusions of Law, and Order Confirming Second Amended Plan for the Adjustment of Debts of Suffolk Regional Off-Track Betting Corporation [Docket No. 326] (the “Confirmation Order”).

G. Pursuant to Section 362(c)(2) of the Bankruptcy Code, the Automatic Stay continues to apply to Suffolk OTB and its property.

H. The Parties have agreed that, notwithstanding the filing of the Chapter 9 Case and entry of the Confirmation Order, Biondo may proceed with his claims relating to the Incident, but Biondo may recover only from the proceeds of the Policy, within the available coverage limits, and not against Suffolk OTB or Suffolk OTB's property.

I. The Recitals are true and correct and incorporated into the terms of this Stipulation, Agreement, and Order.

NOW THEREFORE IT IS STIPULATED AND AGREED BY AND BETWEEN THE PARTIES THAT:

1. The Automatic Stay shall be modified to allow Biondo to proceed with his claims relating to the Incident, but Biondo may recover only from the proceeds of the Policy within the available coverage limits and not against Suffolk OTB or Suffolk OTB's property.

2. This Stipulation, Agreement, and Order may only be amended or otherwise modified by a signed writing executed by the Parties.

3. This Stipulation, Agreement, and Order shall be binding upon and inure solely to the benefit of the Parties hereto and their respective successors and assigns. Nothing contained herein, express or implied, is intended to or shall confer upon any other person or entity any legal or equitable right, benefit or remedy of any nature whatsoever under or by reason of this Stipulation, Agreement, and Order.

4. Each person who executes this Stipulation, Agreement, and Order by or on behalf of a Party represents and warrants that he or she has been duly authorized and empowered to execute and deliver this Stipulation, Agreement, and Order on behalf of such Party.

5. This Stipulation, Agreement, and Order may be executed in counterparts,

each of which shall be deemed an original but all of which together shall constitute one and the same instrument, and it shall constitute sufficient proof of this Stipulation, Agreement, and Order to present any copy, copies, electronic copies or facsimiles signed by the Parties.

6. This Stipulation, Agreement, and Order shall be governed by and interpreted in accordance with the laws of the State of New York, except to the extent that the Bankruptcy Code applies, without regard to principles of conflict of laws that would require the application of laws of another jurisdiction.

7. The Court shall retain jurisdiction with respect to all matters arising from or related to the implementation, interpretation and/or enforcement of this Stipulation, Agreement, and Order.

Dated: New York, New York
November 20, 2014

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*Counsel for Adjusted Debtor Suffolk
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Dated: Mineola, New York
November 20, 2014

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*Counsel for Mariantonia Biondo, as
Administrator of the Estate of Nicolo Biondo*